

## **REMARKS**

### **Status of the Claims**

Claims 1, 3, and 4 are pending in the application. Claim 1 is currently amended. Reconsideration and allowance of all of the pending claims is respectfully requested.

This amendment does not add new matter to the application. The amendment to claim 1 is supported at page 41, lines 11-18 of the specification. Accordingly, no new matter is added and entry of this amendment is respectfully requested.

### **Claim Rejections - 35 U.S.C. §102**

Claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by Hasegawa '774 (U.S. Patent No. 6,207,774).

Claims 3 and 4 are rejected under 35 U.S.C. §102(e) as being anticipated by Tohi '013 (US2006/0161013) or Miller '188 (U.S. Patent No. 6,469,188).

Applicants respectfully traverse each of these rejections for the following reasons.

#### ***1. Hasegawa '774***

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully submit that each and every element of claim 1 is not expressly or inherently described by the prior art. Accordingly, a case of anticipation has not been made out and this rejection must be withdrawn.

Hasegawa '774 discloses a polymerization catalyst that includes a metallocene compound, an ionizing compound, and an organoaluminum compound. Hasegawa '774 shows in Examples 10 and 11 that the inclusion of an ionizing compound is an essential component of their process. Hasegawa '774 does not therefore expressly or inherently disclose the process of claim 1. Accordingly, Hasegawa '774 does not expressly or inherently disclose each and every element of claim 1 and this rejection must be withdrawn.

## 2. Tohi '013

Tohi '013 is based on a PCT application (PCT/JP03/01656) which published on April 8, 2004 in Japanese. Therefore, applicants respectfully submit that Tohi '013 cannot be cited under 35 U.S.C. §102(e), but can only be cited under 35 U.S.C. §102(a) as of the publication date of the PCT application of April 8, 2004. The filing date of the priority document for the present application (JP 2002 -- 282291) is March 31, 2004.

Applicants plan to submit a certified English translation of the priority document in a supplemental filing. Accordingly, applicants respectfully request that the Examiner hold this rejection in abeyance until the English translation of the priority document is filed in the near future. Applicants also submit that once the English translation of the priority document is filed, Tohi '013 will no longer be prior art to the present application.

## 3. Miller '188

Miller '188 also does not expressly or inherently disclose each and every element of the present claims. The present invention is directed to a process for producing an olefin polymer which has a charge mole ratio of ethylene and  $\alpha$ -olefin in the range of ethylene: $\alpha$ -olefin = 50:50

to 99.9:0.1. See claim 1. In addition, the presently claimed process includes solution polymerization at a high temperature ranging from 120 to 300° C, as recited in claim 1.

Miller '188 discloses a process for producing a stereoregular polymer such as isotactic, syndiotactic, or stereoblock polyolefin. The Miller '188 polymers are obtained by polymerizing propylene and/or one or more types of monomer selected from  $\alpha$ -olefins having four or more carbon atoms. Miller '188 expressly mentions that their polymerizations are conducted at low temperatures (0 or 20° C). See Miller '188, Example 52.

Miller '188 does not expressly or inherently disclose a process for producing an olefin polymer with ethylene as the main monomer, polymerized at the high temperatures of 120 to 300° C as recited in claim 1. Accordingly, applicants respectfully submit that each and every element of claim 1 is not disclosed by Miller '188, and this rejection must be withdrawn.

Applicants respectfully submit that all of the outstanding issues in this application are fully addressed and resolved by this reply. An early reconsideration and Notice of Allowance are respectfully requested.

#### **Conclusion**

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a three (3) month extension of time for filing a reply in connection with the present application, and the required fee of \$1050.00 is attached hereto.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: October 4, 2007

Respectfully submitted,

By

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